

**U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625-1129**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-N010-2016-0013CX

CASEFILE/PROJECT NUMBER (optional): COC077602

PROJECT NAME: CO Craig 30 N Weather Station

LEGAL DESCRIPTION: Sixth Principal Meridian, Colorado
T. 12 N., R. 91 W.,
sec. 33, lot 10.
The area described contains 0.02 acres.

APPLICANT: Colorado State University – Department of Atmospheric Science

DESCRIPTION OF PROPOSED ACTION: The Department of Commerce, National Oceanic and Atmospheric Administration (NOAA) currently has one meteorological monitoring site (CO Craig 30 N) under authorization COC074258. NOAA is no longer funding this site or equipment and has transferred the ownership to the U.S. Regional Climate Reference Network where Colorado State University (CSU) will be the new holder of the permit. CSU has submitted an application for a new authorization to continue operation and maintenance of the existing site. The Craig 30 N weather station was analyzed under DOI-BLM-CO-N010-2010-0038CX; NOAA will request a relinquishment of right-of-way (ROW) COC074258, if a ROW grant is issued to CSU for the existing Craig 30 N weather station site.

The site currently occupies a 30' X 30' area of land, containing 0.02 acres. Temperature and precipitation instrumentation is installed, along with a 10-foot tower containing a GOES antenna and data logger. The existing BLM Road #2145 is used to access the site for project operation and maintenance. Electric power is supplied by solar panel. The original stipulations required fence construction to be installed by the holder which would provide a 5-foot buffer between the existing instrumentation and general site protection (Exhibit B and C). If a ROW is granted, CSU will be responsible for construction of the fence.

This site will be a continuous monitoring site and CSU would need to have year round access to perform operation and maintenance activities. The original grant was authorized for 20 years, expiring December 31, 2030. If a ROW grant is authorized, CSU will assume the same expiration date.

LAND USE PLAN (LUP) CONFORMANCE REVIEW: The proposed action was reviewed for conformance (43 CFR 1610.5, BLM 1617.3) with the following plan:

Name of Plan: Little Snake Record of Decision and Resource Management Plan as amended by the Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment

Date Approved: October 2011 and September 2015

Results: The Proposed Action is in conformance with the LUP because it is specifically provided for in the following LUP goals, objectives, and management decisions:

Allow for appropriate ROW routes and development sites, while identifying areas that will not be compatible with such use. Objectives for achieving these goals include:

- Provide access for the development of roads and trails, utilities, transmission lines, communication sites, and other uses in an environmentally responsible manner.

Section/Page: 2.17 Lands and Realty/ page RMP-52

CATEGORICAL EXCLUSION REVIEW: The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 43 CFR Part 46.210 and qualifies as a categorical exclusion under 516 DM 11.9E(9) and (12):
“Renewals and assignments of leases, permits, or rights-of-way where no additional rights are conveyed beyond those granted by the original authorizations.”

“Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way.”

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 43 CFR Part 46.215 applies:

Extraordinary Circumstances	YES	NO
1. Have significant adverse effects on public health and safety.		<u> X </u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		<u> X </u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		<u> X </u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		<u> X </u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		<u> X </u>

6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.	<u> X </u>
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.	<u> X </u>
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.	<u> X </u>
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.	<u> X </u>
10. Have the potential for a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).	<u> X </u>
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).	<u> X </u>
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).	<u> X </u>

INTERDISCIPLINARY REVIEW:

Title	Resource	Date
Planning and Environmental Coordinator	NEPA Compliance	

REMARKS:

Cultural Resources: A Class III cultural resource survey was completed 10/29/2010 by the LSFO Archeologist,
2010 Class III Cultural Resource Inventory of NOAA Weather Station (10.29.2010). Moffat County, Colorado

MITIGATION: Exhibit C

NAME OF PREPARER: Janell Corey

NAME OF ENVIRONMENTAL COORDINATOR:

Kathy McKinstry

DATE: 2/1/16

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E9 and E12. This

categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 43.215 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

A handwritten signature in blue ink, appearing to read "Colt Mortenson", written over a horizontal line.

Colt Mortenson, Acting Field Manager

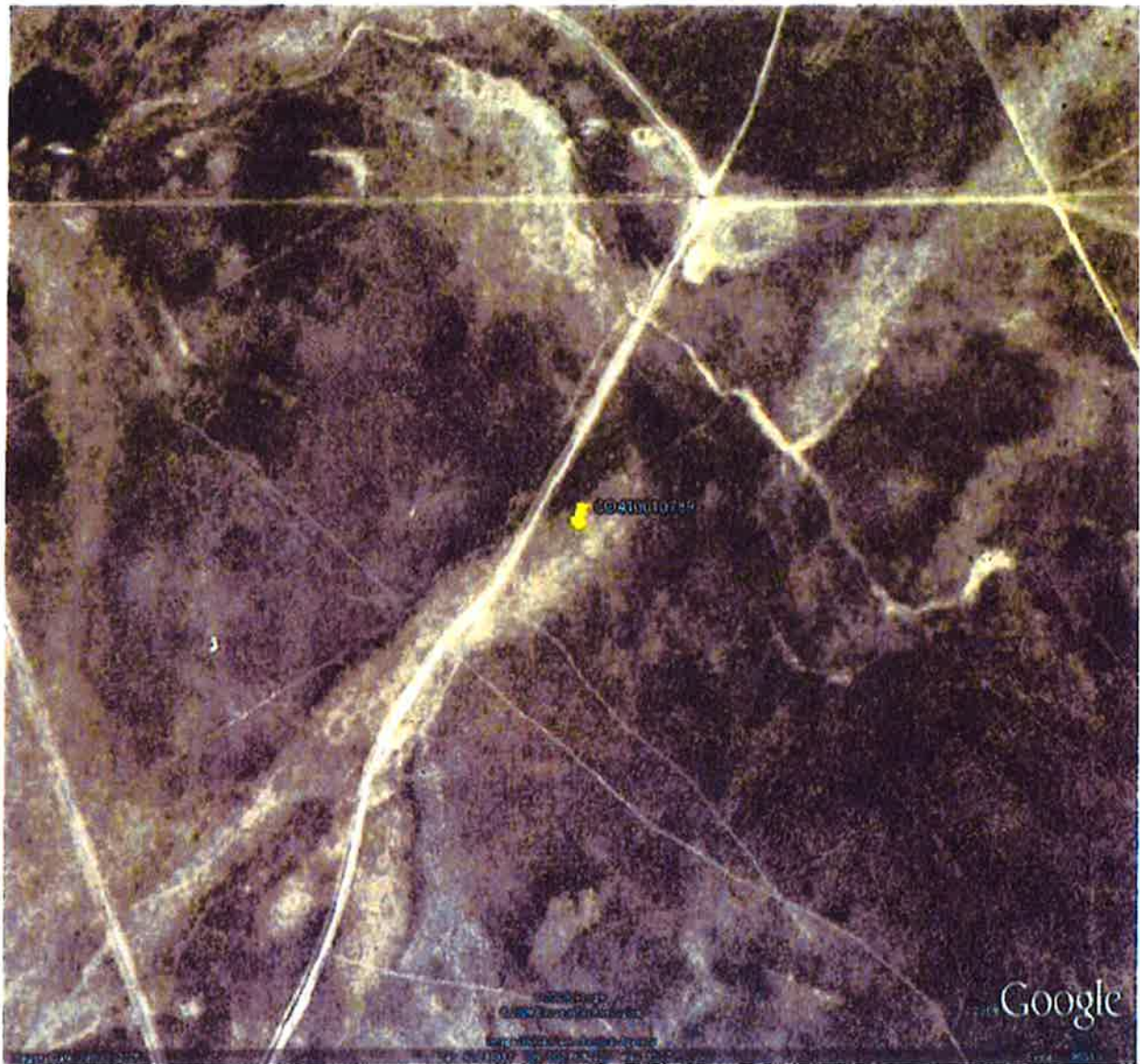
DATE SIGNED:

2/8/16

Contact Person

For additional information concerning this decision, contact Janell Corey, Realty Specialist, Little Snake Field Office, 455 Emerson Street, Craig, CO 81625, Phone (970) 826-5053.

Exhibit A
Map



CO Craig 30 N
40.947933N, 107.608222 W
(BLM site near Craig)
Principle Meridian: 06
Township: 012N
Range: 091W
Section: 033
QS: SE; QQS: L10

WSNOAA

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BLM

PAGE 02



Fortification NE quad
T12N R91W S33

Exhibit B Fencing Specifications

Friendly Designs



POST AND RAIL FENCE

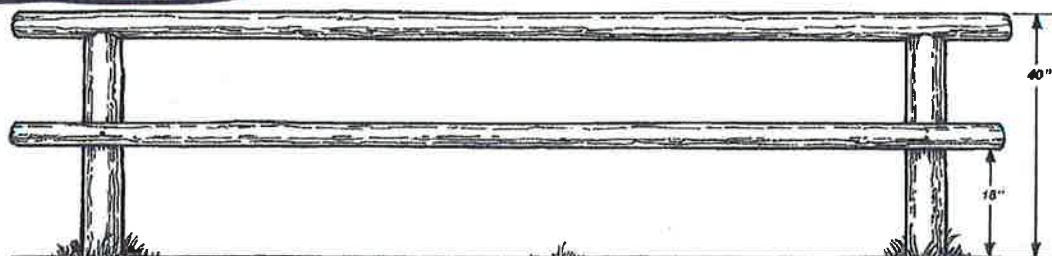
A post and rail fence is highly visible to wildlife and can be constructed for situations with or without livestock. Rail fences can either use a top rail with wires below, or two to three rails total. A two-rail fence is preferable to a three-rail fence for wildlife. Unless the fence is quite low, use rounded poles for the top rail, rather than a square or split-rail, to prevent too much snow build-up in winter, which can deter elk and deer. Also, unless the fence is easily jumped and there is ample clearance underneath, boards or planks are not recommended as these can create a visual barrier.



Christina Peige

- Use pressure-treated 6' to 8' posts, spaced 10' to 14' apart.
- Use pressure-treated poles for top rail, placed no more than 40" above the ground.
- Place smooth lower wires at 18" and 28" above the ground.
- Second wire should be at least 12" below top rail.
- OR place pressure-treated poles for lower rails, the bottom rail placed with at least 18" clearance from the ground.

POST AND RAIL FENCE



POST AND WIRE FENCE

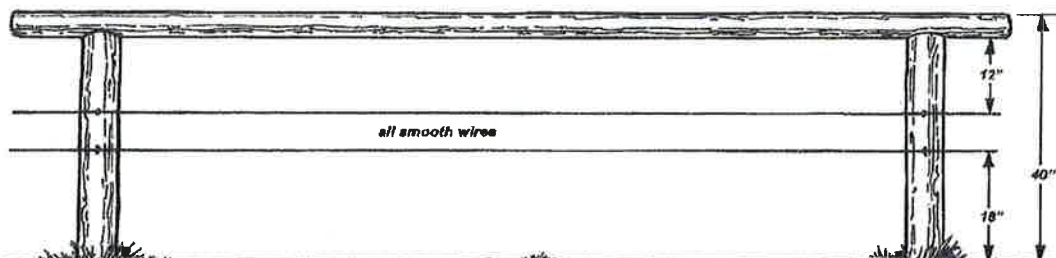
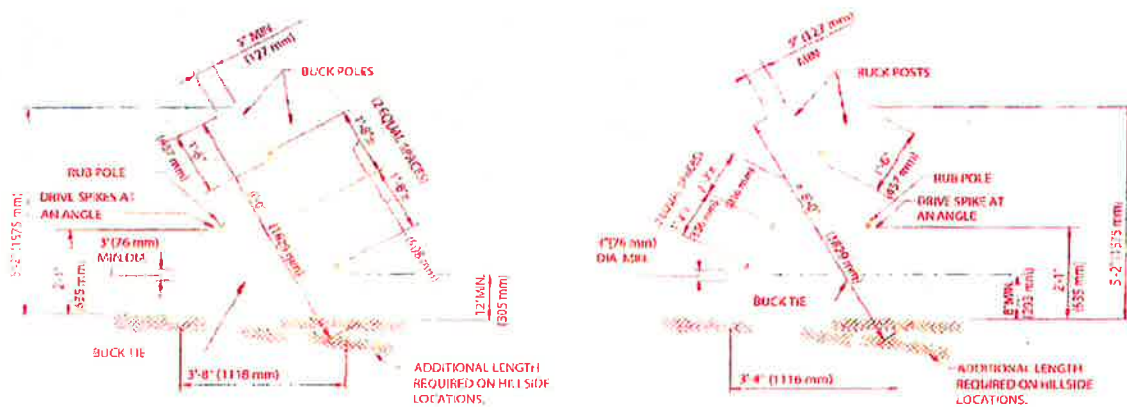




Figure 11



APPROX. 2" (51 mm)
DIA. POINT

NOTE:
BOTH BUCK POSTS TO BE
NOTCHED AS SHOWN.

1. SPIKES SHALL BE USED AS FASTENERS. TWO SPIKES SHALL BE USED TO FASTEN BUCK POSTS TOGETHER. ONE SPIKE SHALL BE USED TO FASTEN POLES, BRACES & BUCK TIES TO BUCK POSTS.
2. POLES, BRACES, TIES, & BUCK POSTS SHALL BE OF MATERIAL AS SHOWN IN THE SPECIFICATIONS.
3. THE METRIC CONVERSIONS ARE PROVIDED IN PARENTHESIS FOLLOWING THE ENGLISH UNITS.

Exhibit C
Mitigation

COC077602
CSU Meteorological Monitoring Station

1. The holder should construct, operate, and maintain the facilities, improvements, and structures within the permit in strict conformity with the plan(s) of development identified with the application. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, should not be initiated without the prior written approval of the authorized officer. A copy of the complete permit, including all stipulations and approved plan(s) of development, should be made available on the permit area during construction, operation, and termination to the authorized officer. Noncompliance with the above would be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. The Little Snake Field Office would be given 48-hour notification prior to commencing construction and/or reclamation work. Contact the Little Snake Field Office (970) 826-5000 to report when work would commence.
3. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land should be immediately reported to the authorized officer. Holder should suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery would be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder would be responsible for the cost of evaluation and the authorized officer would make any decision as to proper mitigation measures after consulting with the holder.
4. Standard Mitigation to Protect Cultural Resources and Human Remains:
 - a. Pursuant to 43 CFR 10.4(g) the holder of this authorization or its contractor would notify the Authorized Officer (AO), by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder would stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.
 - b. The operator or its contractor would be responsible for informing all persons who are associated with the project operations that they would be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological remains are uncovered during any project or construction activity, the operator would stop work in the area of the discovery that might further disturb such materials, and immediately contact the AO. Within five working days the AO would inform the operator as to the mitigation measures the operator would likely have to undertake before the site can be used (assuming in place preservation is not necessary).

c. The holder should notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW. The BLM would determine if a cultural resource inventory, treatment, or mitigation is required.

d. A "Notice to Proceed" should be required for any non-emergency activities as defined above that would cause surface disturbance on the ROW. Any request for a "Notice to Proceed" should be made to the AO, who would review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.

5. If any vertebrate paleontological resources are discovered during operations, all operations affecting such sites should be immediately suspended in accordance with Section 6 of Form 3100-11 and 43 CFR 3162.1 and all discoveries should be left intact until holder has been authorized to proceed by the AO. The appropriate AO should be notified within 48 hours of the discovery and a decision as to the preferred alternative or course of action would be rendered.

6. The grant would not relieve the holder of their responsibility to obtain other required federal, state, or local permits.

7. The holder(s) should comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) should comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 should be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances should be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

8. The holder of Right-of-Way No. COC077602 would agree to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement would apply without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

9. The site plan, building design, floor plan, tower design, and electrical drawings submitted with the original proposal should be made a part of this right-of-way grant. All construction would conform to these drawings. No signs or advertising devices should be placed on the premises or on adjacent public land except those posted by or at the direction of the authorized officer.

Construction sites should be maintained in a sanitary condition at all times; waste materials at those sites should be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

10. No hazardous materials/waste or trash should be disposed of on the public lands. If a release does occur, it should be reported to the Little Snake Field Office immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.

11. Construction or other surface-disturbing activities would not be allowed when the soils are saturated to a depth of more than 3 inches. Construction-related traffic should be restricted to BLM Road # 2145. New access roads or cross-country vehicle travel would not be permitted unless prior written approval is given by the authorized officer. BLM Road #2145 would remain in its present condition. No construction or routine maintenance activities would be performed on existing roadways.

12. Once the instrumentation for the meteorological monitoring site is installed the holder would construct a 30 ft. x 30 ft. post and rail fence, as described in Exhibit B, which would provide a 5-foot buffer between the instruments and the fence for general site protection. The enclosure would also include a gate large enough to allow livestock and wildlife to pass through should an animal become trapped within the enclosure.

13. The holder would utilize the "One Call" system to locate and stake the centerline and limits of all underground facilities in the area of proposed excavations. This includes the fence posts and concrete pads.

14. The holder should designate a representative(s) who should have the authority to act upon and to implement instructions from the authorized officer. The holder's representative should be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway. No blading of vegetation should occur. To minimize disturbance, only those areas specifically needed for anchor points or fence posts would be disturbed. To retain existing root bases and the seed bed, access to the site should be accomplished by driving only, no clearing would be allowed.

15. The holder should permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

16. Control of noxious weeds would be required through successful vegetation establishment and/or herbicide application. It would be the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.

17. A Pesticide Use Proposal (PUP) would be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Field Office to obtain a PUP form to request this authorization. The holder would submit the PUP two (2) months in advance of planned application. In the event the holder elects to apply herbicide or other pesticide as

described and authorized on the approved PUP, the holder must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.

18. The holder should seed all disturbed areas, using an agreed upon method suitable for the location. Seeding should be repeated if a satisfactory stand is not obtained after the second growing season.

19. RECLAMATION:

The holder would be required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation would ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation would be diverse and of the same seasonal growth as adjoining vegetation. Post land use would be determined by the authorized officer but normally would be the same as adjoining uses.

Reclamation practices which would be applied or accomplished are: re-grading to the approximate original contour, effectively controlling noxious weeds, separating, storing and protecting topsoil for redistribution during final abandonment, seeding and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media would be separated, stored and protected for later use. Reclamation would begin with the salvaging of topsoil and continue until the required standards are met. If use of the disturbed area is for a short time (less than one year), practices, which ensure stability, would be used as necessary during the project, and practices needed to achieve final abandonment would commence immediately upon completion of the approved activity use and be completed, with the exception of vegetative establishment, within one year.

If use of the area is for longer periods of time (greater than one year), interim reclamation would be required on the unused areas. Interim reclamation of the unused areas would begin immediately upon completion of the permanent facility(s) and be completed, with exception of vegetative establishment, within one year. For both short and long term projects vegetative establishment would be monitored annually. If the desired vegetation is not established by the end of the second growing season, cultural practices necessary for establishment would be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, would require meeting the same standards as final abandonment with the exception of original contour, which may be only partially achievable.

Annual reports consisting of reclamation practices completed and the effectiveness of the reclamation would be provided to the Little Snake Field Office. The first report would be due in January following initiation of reclamation practices and annually thereafter until final abandonment is approved.

There are numerous reclamation practices and techniques that increase the success rate of reclamation and stabilization. With the exception of those stated above, it would be the holder's prerogative to use those (s)he chooses to accomplish the objective. However, it would be recommended that state-of-the-art reclamation, stabilization, and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements would be used to accomplish and determine if reclamation has been achieved:

Permanent vegetative cover would be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site(s) for the area.

Diversity would be accomplished if at least two (2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three (3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species would not make up more than fifty (50) percent of the perennial vegetation by basal cover.

Self-regenerating and adapted to the area would be evident if the plant community is in good vigor, there is evidence of successful reproduction, and the species are those commonly used and accepted in the area.

Surface stability would be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestalling, is not greater than three tenths (0.3) of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard could not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

If erosion were greater than two (2) times the allowable amount, corrective action would have to be taken by the responsible company at that time.

If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no corrective action would be required at that time. Another check (and measurement) would be performed a year later to determine if stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard would be considered met. However, if the increase were greater than the allowed standard, corrective action would be required.

Subsurface stability (mass wasting event) is of concern if disturbance has included excavation over four (4) feet in depth and greater than 10,000 square feet in area on slopes thirty five (35) percent and greater, or on any erosion-prone slope (Danforth Hills, Vermillion Bluffs, and badland areas). When these conditions occur, length of liability for reclamation and final abandonment would continue for ten (10) years following re-contouring to original contour or for such time that climatic patterns provide two (2) consecutive years in which measurable precipitation totals at least 120 percent of average from October 1 through September 30, as measured by data averaged from nearby regional weather stations.

The Authorized Officer may waive this stipulation, or portions of it. Such waiver would be documented and justified when not applicable, or when objectives are accomplished through another method.

21. Prior to termination of the right-of-way, the holder should contact the authorized officer to arrange a pretermination conference. This conference would be held to review the termination provisions of the permit.

22. If monitoring facilities, under a site testing and monitoring right-of-way authorization, have not been installed within 12 months after the effective date of the authorization or consistent with the timeframe of the approved POD, the holder should provide the BLM good cause as to the nature of any delay, the anticipated date of installation of facilities, and evidence of progress toward site monitoring activities. Failure of the holder to comply with the due diligence terms and conditions of either the site testing and monitoring authorization provides the Authorized Officer the authority to terminate the authorization (43 CFR 2807.17).

**U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson St
Craig, CO 81625**

DECISION RECORD

Craig 30 N Weather Station **DOI-BLM-CO-N010-2016-0013-CX**

Decision

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N010-2016-0013-CX, issuing a right-of-way grant COC077602, authorizing the operation, maintenance, and termination of the existing Craig 30 N meteorological monitoring site.

Terms and Conditions

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within the permit in strict conformity with the plan(s) of development identified with the application. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete permit, including all stipulations and approved plan(s) of development, shall be made available on the permit area during construction, operation, and termination to the authorized officer. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. The Little Snake Field Office will be given 48-hour notification prior to commencing construction and/or reclamation work. Contact the Little Snake Field Office (970) 826-5000 to report when work will commence.
3. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
4. Standard Stipulations to Protect Cultural Resources and Human Remains:

a. Pursuant to 43 CFR 10.4(g) the holder of this authorization or its contractor must notify the Authorized Officer (AO), by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the holder must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the AO.

b. The operator or its contractor is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological remains are uncovered during any project or construction activity, the operator must stop work in the area of the discovery that might further disturb such materials, and immediately contact the AO. Within five working days the AO will inform the operator as to the mitigation measures the operator will likely have to undertake before the site can be used (assuming in place preservation is not necessary).

c. The holder shall notify the AO at least 180 days prior to non-emergency activities that would cause surface disturbance in the ROW. The BLM will determine if a cultural resource inventory, treatment, or mitigation is required.

d. A "Notice to Proceed" shall be required for any non-emergency activities as defined above that will cause surface disturbance on the ROW. Any request for a "Notice to Proceed" shall be made to the AO, who shall review the proposed action for consistency with resource management concerns such as wildlife, big game winter range, paleontology, threatened and endangered species, and cultural resource protection. Additional measures may be required to protect these resources.

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6. The grant does not relieve you of your responsibility to obtain other required federal, state, or local permits.

7. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

8. The holder of Right-of-Way No. COC077602 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

9. The site plan, building design, floor plan, tower design, and electrical drawings submitted with the original proposal shall be made a part of this right-of-way grant. All construction must conform to these drawings. No signs or advertising devices shall be placed on the premises or on adjacent public land except those posted by or at the direction of the authorized officer.

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14. The holder shall designate a representative(s) who shall have the authority to act upon and to implement instructions from the authorized officer. The holder's representative shall be available for communication with the authorized officer within a reasonable time when construction or other surface disturbing activities are underway. No blading of vegetation shall occur. To minimize disturbance, only those areas specifically needed for anchor points or fence posts will be disturbed. To retain existing root bases and the seed bed, access to the site shall be accomplished by driving only, no clearing is allowed.

15. The holder shall permit free and unrestricted public access to and upon the right-of-way for all lawful purposes except for those specific areas designated as restricted by the authorized officer to protect the public, wildlife, livestock, or facilities constructed within the right-of-way.

16. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. It is the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.

17. A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Field Office to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.

18. The holder shall seed all disturbed areas, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained after the second growing season.

19. RECLAMATION:

The holder is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses.

The holder is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of a self-regenerating permanent vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the Authorized Officer but normally will be the same as adjoining uses.

Reclamation practices which must be applied or accomplished are: re-grading to the approximate original contour, effectively controlling noxious weeds, separating, storing and protecting topsoil for redistribution during final abandonment, seeding and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media will be separated, stored and protected for later use. Reclamation will begin with the salvaging of topsoil and continue until the required standards are met. If use of the disturbed area is for a short time (less than one year), practices, which ensure stability, will be used as necessary during the project, and practices needed to achieve final abandonment will commence immediately upon completion of the approved activity use and be completed, with the exception of vegetative establishment, within one year.

If use of the area is for longer periods of time (greater than one year), interim reclamation is required on the unused areas. Interim reclamation of the unused areas will begin immediately upon completion of the permanent facility(s) and be completed, with exception of vegetative

establishment, within one year. For both short and long term projects vegetative establishment will be monitored annually. If the desired vegetation is not established by the end of the second growing season, cultural practices necessary for establishment will be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, will require meeting the same standards as final abandonment with the exception of original contour, which may be only partially achievable.

Annual reports consisting of reclamation practices completed and the effectiveness of the reclamation will be provided to the Little Snake Field Office. The first report will be due in January following initiation of reclamation practices and annually thereafter until final abandonment is approved.

There are numerous reclamation practices and techniques that increase the success rate of reclamation and stabilization. With the exception of those stated above, it is the lessee's prerogative to use those (s)he chooses to accomplish the objective. However, it is recommended that state-of-the-art reclamation, stabilization, and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements will be used to accomplish and determine if reclamation has been achieved:

Permanent vegetative cover will be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site(s) for the area.

Diverse will be accomplished if at least two (2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three (3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species will not make up more than fifty (50) percent of the perennial vegetation by basal cover.

Self-regenerating and adapted to the area will be evident if the plant community is in good vigor, there is evidence of successful reproduction, and the species are those commonly used and accepted in the area.

Surface stability will be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestalling, is not greater than three tenths (0.3) of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard is not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

If erosion is greater than two (2) times the allowable amount, corrective action will have to be taken by the responsible company at that time.

If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no corrective action will be required at that time. Another check (and measurement) will be performed a year later to determine if stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard will be considered met. However, if the increase were greater than the allowed standard, corrective action will be required.

Subsurface stability (mass wasting event) is of concern if disturbance has included excavation over four (4) feet in depth and greater than 10,000 square feet in area on slopes thirty five (35) percent and greater, or on any erosion-prone slope (Danforth Hills, Vermillion Bluffs, and badland areas). When these conditions occur, length of liability for reclamation and final abandonment will continue for ten (10) years following re-contouring to original contour or for such time that climatic patterns provide two (2) consecutive years in which measurable precipitation totals at least 120 percent of average from October 1 through September 30, as measured by data averaged from nearby regional weather stations.

The Authorized Officer may waive this stipulation, or portions of it. Such waiver will be documented and justified when not applicable, or when objectives are accomplished through another method.

21. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the permit.

22. If monitoring facilities, under a site testing and monitoring right-of-way authorization, have not been installed within 12 months after the effective date of the authorization or consistent with the timeframe of the approved POD, the holder shall provide the BLM good cause as to the nature of any delay, the anticipated date of installation of facilities, and evidence of progress toward site monitoring activities. Failure of the holder to comply with the due diligence terms and conditions of either the site testing and monitoring authorization provides the Authorized Officer the authority to terminate the authorization (43 CFR 2807.17).

Compliance with Laws & Conformance with the Land Use Plan

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the October 2011 and September 2015, Little Snake Record of Decision and Resource Management Plan as amended by the Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment.

Public Involvement

This project will be posted on the LSFO's on-line National Environmental Policy Act (NEPA) register.

Rationale

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9E(9) and (12) This categorical exclusion is appropriate in this situation because there are no extraordinary

circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 43 CFR 46.215 apply.

Monitoring and Compliance

On-going compliance inspections and monitoring will be conducted by the BLM Little Snake Field Office staff during and after construction. Specific mitigation developed in this document will be followed. The holder will be notified of compliance related issues, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

Administrative Remedies

This decision shall take effect immediately upon the date it is signed by the Authorized Officer and shall remain in effect while any appeal is pending unless the Interior Board of Land Appeals issues a stay (43 CFR 2801.10(b)).

Any appeal of this decision must follow the procedures set forth in 43 CFR Part 4. Within 30 days of the decision, a Notice of Appeal must be filed in the office of the Authorized Officer at Little Snake Field Office, 455 Emerson St., Craig, CO 81625 with copies sent to the Regional Solicitor, Rocky Mountain Region, 755 Parfet St., Suite 151, Lakewood, CO 80215, and to the Department of the Interior, Board of Land Appeals, 801 North Quincy St., MS300-QC, Arlington, VA, 22203. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals at the above address within 30 days after the Notice of Appeal is filed with the Authorized Officer.

Signature of Authorized Official



Field Manager



Date

